

### **REMARKS**

This response is intended as a full and complete response to the non-final Office Action mailed July 30, 2004. In the Office Action, the Examiner notes that claims 1-38 are pending, of which claims 1-38 stand rejected. By this response, claims 1, 11, 12, 28, and 35 are amended, claims 14-15 are canceled, and claims 2-10, 13, 16-27, 29-34, and 36-38 continue unamended.

In view of the foregoing amendments and the following discussion, the Applicants submit that none of the claims now pending in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §§ 102 and 103. Thus, the Applicants believe that all these claims are now in allowable form.

It is to be understood that the Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the prior art of record to the pending claims by filing the instant responsive amendments.

### **OBJECTIONS**

#### **The Drawings**

The Examiner has objected to the drawings because the figures are informal and lack well defined lines and clarity. Replacement drawings are enclosed. Please replace the informal drawings with the replacement drawings submitted herewith. In view of the filing of replacement drawings, the Applicants respectfully request that the Examiner's objection to the drawings be withdrawn.

#### **Claim Objections**

##### **Claim 1**

The Examiner has objected to claim 1 because in line 6 of the claim, before the words "music interface page, "the" should be --a--. Applicants have amended claim 1 as suggested by the Examiner. Therefore, the Applicants respectfully request that the Examiner's objection to claim 1 be withdrawn.

**Claim 12**

The Examiner has objected to claim 12 because in line 3 of the claim, the word "listing" should be --listings--. Applicants have amended claim 12 as suggested by the Examiner. Therefore, the Applicants respectfully request that the Examiner's objection to claim 12 should be withdrawn.

**REJECTIONS**

**35 U.S.C. §102**

**Claims 1-11, 13-14, 19-21, 28-30 and 34**

The Examiner has rejected claims 1-11, 13-14, 19-21, 28-30 and 34 under 35 U.S.C. §102(e) as being anticipated by Ellis et al. (US 2004/0117831, hereinafter "Ellis"). Applicants respectfully traverse the rejection.

Independent claim 1 (independent claims 11 and 28 recite similar limitations as recited in independent claim 1) recites features of the Applicants' invention that the Applicants consider to be inventive. In particular, independent claim 1 recites:

"A method for providing an interactive music interface, the method comprising:  
providing an interactive program guide (IPG) page comprising a guide graphics portion and a video portion, wherein said guide graphics portion includes a plurality of encoded guide graphics portion slices and said video portion includes a plurality of encoded video portion slices, said guide graphics portion having included therein a music icon representative of a topic of music;  
receiving a selection for the music icon; and  
providing a music interface page having included therein a listing of music channels." (emphasis added).

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984)(citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 U.S.P.Q. 193 (Fed. Cir. 1983)) (emphasis added). Ellis fails to disclose each and every element of the claimed invention, as arranged in the claim.

Specifically, Ellis fails to disclose “an interactive program guide (IPG) page comprising a guide graphics portion and a video portion, wherein said guide graphics portion includes a plurality of encoded guide graphics portion slices and said video portion includes a plurality of encoded video portion slices, said guide graphics portion having included therein a music icon representative of a topic of music.”

The Ellis reference discloses “[m]enu screen 630 in FIG. 52 is the main menu screen of a music niche hub. Screen 630 provides the user with the option of using a variety of program guide features related to music and music related programming. The music hub may have many of the same options as the other hubs such as program listings, shopping, web sites, chat groups, video on-demand or pay-per-view concerts, etc.” (see Ellis, page 20, paragraph 0217).

Nowhere in the Ellis reference is there any teaching or suggestion of Applicants' claimed “an interactive program guide (IPG) page comprising a guide graphics portion and a video portion, wherein said guide graphics portion includes a plurality of encoded guide graphics portion slices and said video portion includes a plurality of encoded video portion slices.” Therefore, the Ellis reference fails to disclose each and every element of the claimed invention, as arranged in the claim.

As such, Applicants submit that independent claims 1, 11, and 28 are not anticipated and fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder. Furthermore, claims 2-10, 13, 19-21, 29-30, and 34 depend, either directly or indirectly, from independent claims 1, 11 and 28 and recite additional features thereof. As such and at least for the same reasons as discussed above, Applicants submit that these dependent claims are also not anticipated and fully satisfy the requirements under 35 U.S.C. §102 and are patentable thereunder. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

### **35 U.S.C. §103**

#### **Claim 12**

The Examiner has rejected claim 12 as being obvious and unpatentable over Ellis in view of Hendricks et al. (USPN 5,990,927, hereinafter "Hendricks") under the provisions of 35 U.S.C. §103(a). Applicants respectfully traverse the rejection.

Claim 12 is dependent upon Applicants' independent claim 11 and recites additional limitations thereof. In particular, claim 12 recites in part:

"An interactive music interface page having a video portion and a guide graphics portion comprising:

at least one graphics display region of said guide graphics portion configurable to display a listing of a plurality of music channels;

a channel description region configurable to display information for a particular music channel in the listing, said guide graphics portion including a plurality of encoded guide graphics portion slices;

at least one video display region of said video portion configurable to display at least one video associated with said music channels, said video portion including a plurality of encoded video portion slices; and

a plurality of packet identifiers assigned to the video portion slices and the guide graphics portion slices, wherein a different packet identifier is assigned to each guide graphics slice that is part of a different guide graphic, and a common packet identifier is assigned to all the common video portion slices." (emphasis added).

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather the test is whether the claimed invention, considered as a whole, would have been obvious. Jones v. Hardy, 110 USPQ 1021, 1024 (Fed. Cir. 1984) (emphasis added). Moreover, the invention as a whole is not restricted to the specific subject matter claimed, but also embraces its properties and the problem it solves. In re Wright, 6 USPQ 2d 1959, 1961 (Fed. Cir. 1988) (emphasis added). The combination of Ellis and Hendricks fails to teach or suggest the Applicants' invention as a whole.

The combination of Ellis and Hendricks does not teach or suggest "said guide graphics portion including a plurality of encoded guide graphics portion slices; at least one video display region of said video portion configurable to display at least one video associated with said music channels, said video portion including a plurality of encoded video portion slices."

As discussed above, Ellis merely discloses "[m]enu screen 630 in FIG. 52 is the main menu screen of a music niche hub. Screen 630 provides the user with the option of using a variety of program guide features related to music and music related programming. The music hub may have many of the same options as the other hubs

such as program listings, shopping, web sites, chat groups, video on-demand or pay-per-view concerts, etc.” (see Ellis, page 20, paragraph 0217).

Hendricks fails to bridge the substantial gap between Ellis and Applicants' claimed invention. In particular, Hendricks discloses “FIG. 21 is a major menu 1160 displaying the digital audio program choices which are available for subscribers who have paid the monthly fee. In a chart format 1162, the major menu shows the top five, ten, and forty songs available in six different categories of music. Below the chart, the system is able to provide a text message 1164 describing the particulars of the audio program selected.” (see Hendricks, FIG. 21 and Col. 40, lines 38-44).

Even if the two references couple somehow be operably combined, the combination would disclose a music menu screen with display options located adjacent to each other. Nowhere in the combined references is there any teaching or suggestion of said guide graphics portion including a plurality of encoded guide graphics portions slices and said video portion including a plurality of encoded video portion slices. Therefore, the combination of Ellis and Hendricks fails to teach or suggest the Applicants' invention as a whole.

As such, the Applicants submit that dependent claim 12 not obvious and fully satisfies the requirements of 35 U.S.C. §103. Therefore, Applicants respectfully request that the Examiner's rejection of claim 12 be withdrawn.

### **Claims 15 and 27**

The Examiner has rejected claims 15 and 27 under 35 U.S.C. §103(a) as being unpatentable over Ellis in view of Boucher et al. (USPN 6,675,387, hereinafter “Boucher”). Applicants respectfully traverse the rejection.

Claims 15 and 27 are dependent upon Applicants' independent claim 11 and recite additional limitations thereof. In particular, claims 15 and 27 recite in part:

“An interactive music interface page having a video portion and a guide graphics portion comprising:

at least one graphics display region of said guide graphics portion configurable to display a listing of a plurality of music channels;

a channel description region configurable to display information for a particular music channel in the listing, said guide graphics portion including a plurality of encoded guide graphics portion slices;

at least one video display region of said video portion configurable to display at least one video associated with said music channels, said video portion including a plurality of encoded video portion slices; and a plurality of packet identifiers assigned to the video portion slices and the guide graphics portion slices, wherein a different packet identifier is assigned to each guide graphics slice that is part of a different guide graphic, and a common packet identifier is assigned to all the common video portion slices." (emphasis added).

As discussed above, Ellis discloses "[m]enu screen 630 in FIG. 52 is the main menu screen of a music niche hub. Screen 630 provides the user with the option of using a variety of program guide features related to music and music related programming. The music hub may have many of the same options as the other hubs such as program listings, shopping, web sites, chat groups, video on-demand or pay-per-view concerts, etc." (see Ellis, page 20, paragraph 0217).

Boucher fails to bridge the substantial gap between Ellis and Applicants' claimed invention. In particular, Boucher discloses "the macroblocks can be organized as macroblock strips corresponding to horizontal slices of the video images, such as the macroblock strip 110 of row A. The macroblocks are arranged in horizontal "strips" labeled A through G, and in columns 1 through 6." (see Boucher, Col. 6, lines 10-24, and FIG. 1).

Nowhere in the combined references is there any teaching or suggestion of a guide graphics portion and a video portion. Specifically, nowhere in the combined references are any teaching or suggestion that the guide graphics portion includes a plurality of encoded guide graphics portion slices and the video portion includes a plurality of encoded video portion slices. That is, the Applicant's invention separates the guide graphics portion from the video graphic portion and then generates slices for each portion, as opposed to the Boucher and Ellis reference, which generates horizontal slices for a frame of that image. The combined references are different than the Applicant's invention, since the combined references fail to teach or suggest that the guide graphics portion include a plurality of encoded guide graphics portion slices. Therefore, the combination of Ellis and Boucher fails to teach or suggest the Applicants' invention as a whole.

As such, the Applicants submit that dependent claims 15 and 27 also are not obvious and fully satisfy the requirements of 35 U.S.C. §103. Therefore, Applicants respectfully request that the Examiner's rejection of claims 15 and 27 be withdrawn.

**Claims 16-18, 22-24 and 31-33**

The Examiner has rejected claims 16-18, 22-24 and 31-33 under 35 U.S.C. §103(a) as being unpatentable over Ellis. Applicants respectfully traverse the rejection.

A. Claims 16-18 and 22-24

Claims 16-18 and 22-24 depend from independent claim 11 and recite additional feature thereof. As discussed above, Ellis does not teach or suggest "said guide graphics portion including a plurality of encoded guide graphics portion slices; at least one video display region of said video portion configurable to display at least one video associated with said music channels, said video portion including a plurality of encoded video portion slices; and a plurality of packet identifiers assigned to the video portion slices and the guide graphics portion slices, wherein a different packet identifier is assigned to each guide graphics slice that is part of a different guide graphic, and a common packet identifier is assigned to all the common video portion slices."

Therefore, Ellis does not teach or suggest the Applicants' invention as a whole.

As such, the Applicants submit that dependent claims 16-18 and 22-24 are not obvious and fully satisfy the requirements of 35 U.S.C. §103. Therefore, Applicants respectfully request that the Examiner's rejection of claims 16-18 and 22-24 be withdrawn.

B. Claims 31-33

Claims 31-33 are dependent, directly or indirectly upon Applicants' independent claim 28 and recite additional limitations thereof.

Applicants' dependent claims 31-33 depend from independent claim 28 and recited additional features thereof. In particular, claims 31-33 recite in part:

"An interactive user interface for a terminal coupled to a server via a distribution network, the user interface comprising:

a program guide including one or more guide pages rendered and encoded at the server, said guide pages comprising a guide graphics portion and a video portion, wherein said guide graphics portion includes a plurality of encoded guide graphics portion slices and said video portion includes a plurality of encoded video portion slices; and

a music interface linked to the program guide and including at least one music interface page constructed at the terminal." (emphasis added).

As discussed above in response to the Examiner's rejection of claim 28 under 35 U.S.C. §102, Ellis does not teach or suggest Applicants' claimed "said guide pages comprising a guide graphics portion and a video portion, wherein said guide graphics portion includes a plurality of encoded guide graphics portion slices and said video portion includes a plurality of encoded video portion slices." Hence, Ellis fails to teach or suggest the Applicants' invention as a whole.

As such, the Applicants submit that dependent claims 31-33 are not obvious and fully satisfy the requirements of 35 U.S.C. §103. Therefore, Applicants respectfully request that the Examiner's rejection of claims 31-33 be withdrawn.

### **Claims 35-38**

The Examiner has rejected claims 35-38 under 35 U.S.C. §103(a) as being unpatentable over Hendricks in view of Ellis.

Applicants' independent claim 35 recites:

"A set top terminal (STT) for receiving programming guide data, comprising:

a demodulator operative to receive a modulated signal and generate a transport stream;

a transport de-multiplexer coupled to the demodulator and operative to receive and process the transport stream to provide a plurality of elementary streams; and

a decoder coupled to the transport de-multiplexer and operative to decode a first elementary stream to generate an interactive program guide (IPG) page comprising a guide graphics portion and a video portion, wherein said guide graphics portion includes a plurality of encoded guide graphics portion slices and said video portion includes a plurality of encoded video portion slices, said guide graphics portion of said IPG page having included therein a music icon representative of a topic of music, said decoder further operative to provide the IPG page for display, receive a selection for the music icon, and



provide a music interface page having included therein a listing of music channels." (emphasis added).

As discussed above, Hendricks discloses "FIG. 21 is a major menu 1160 displaying the digital audio program choices which are available for subscribers who have paid the monthly fee. In a chart format 1162, the major menu shows the top five, ten, and forty songs available in six different categories of music. Below the chart, the system is able to provide a text message 1164 describing the particulars of the audio program selected." (see Hendricks, FIG. 21 and Co.. 40, lines 38-44).

Additionally, Ellis discloses "[m]enu screen 630 in FIG. 52 is the main menu screen of a music niche hub. Screen 630 provides the user with the option of using a variety of program guide features related to music and music related programming. The music hub may have many of the same options as the other hubs such as program listings, shopping, web sites, chat groups, video on-demand or pay-per-view concerts, etc." (see Ellis, page 20, paragraph 0217).

Even if the two references could be somehow operably combined, the combination would merely disclose a music menu screen of an IPG having display buttons adjacent to each other. However, nowhere in the combined references is there any teaching or suggestion of an IPG page comprising a guide graphics portion and a video portion, wherein said guide graphics portion includes a plurality of encoded guide graphics portion slices and said video portion includes a plurality of encoded video portion slices. Therefore, the combination of Hendricks and Ellis fails to teach or suggest Applicants' invention as a whole.

As such, Applicants submits that independent claim 35 is not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Furthermore, claims 36-38 depend directly or indirectly upon Applicants' independent claim 35 and recite additional limitations thereof. As such and at least for the same reasons as discussed above, Applicants submit that these dependent claims are also not obvious and fully satisfy the requirements under 35 U.S.C. §103 and are patentable thereunder. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

**REFERENCES NOT APPLIED**

After reviewing the cited but not applied references, it is believed that the secondary references are no more pertinent to the Applicants' disclosure than the primary references cited in the Office Action. Therefore, Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this Office Action.

**CONCLUSION**

Thus, the Applicants submit that all the claims pending in the application are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Steven M. Hertzberg or Eamon J. Wall, Esq. at (732) 530-9404 so appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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